

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	
	)	<b>Previous Group Art Unit: 1653</b>
<b>FRANS J. WALTHER et al.</b>	)	
	)	<b>Previous Examiner: R. Mitra</b>
<b>Serial No.: Not Yet Assigned</b>	)	
	)	
<b>Filed: Herewith (December 8, 2003)</b>	)	
	)	
<b>For: RESPIRATORY DISTRESS</b>	)	
<b>SYNDROME THERAPY WITH PEPTIDE</b>	)	
<b>ANALOGS OF HUMAN SP-B</b>	)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)(3)

MAIL STOP PATENT APPLICATION – DIVISIONAL  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner. The items are listed on the attached form PTO-1449.

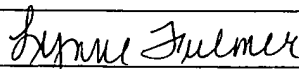
These references were cited in previous application serial no. 09/515,356. No copies are provided.

The items identified in this Information Disclosure Statement (IDS) may or may not be “material” pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the MAIL STOP PATENT APPLICATION – DIVISIONAL, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Date of Deposit: December 8, 2003  
DOCSOC1:145366.1  
13361-4010 K2M

  
Lynne Fulmer

or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

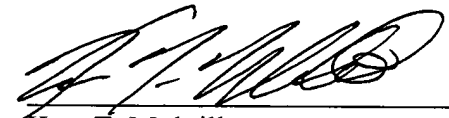
The filing of this IDS shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c) and is further authorized to charge any fee required by the filing of these papers to ORRICK, HERRINGTON & SUTCLIFFE LLP's Deposit Account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 8, 2003

By:   
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**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**
**APPLICANT:**

Frans J. Walther et al.

**FILING DATE:**

Herewith (12/8/2003)

**GROUP:**

Not Yet Assigned

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		5, 876,970	3/2/99	Benson et al.			7/21/1994
		5,861,481	1/19/99	McLean et al.			5/8/1997
		5,874,406	2/23/99	Schafer et al.			5/27/1995
		5,547,937	8/20/96	Dhaon et al.			8/29/94

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

		Sarin, V.K. et al., "Biophysical and Biological Activity of a Synthetic 8.7-kDa Hydrophobic Pulmonary Surfactant Protein SP-B." Proc. Natl. Acad. Sci. USA 87:2633-2637, 1990.
		Cochrane, C.G. and S.D. Revak. "Pulmonary Surfactant Protein B (SP-B): Structure-Bunction Relationships." Science 254:566-568, 1991.
		Johansson, J. et al., " Human Surfactant Polypeptide SP-B: Disulfide bridges, C-terminal end, and peptide analysis of the airway form." FEBS Lett. 301: 165-167, 1992.
		Pilot-Matias, T.J. et al., "Structure and Organization of the Gene Encoding Human Pulmonary Surfactant Proteolipid SP-B." DNA 8: 75-86, 1989.
		Fan, B.R. et al., "Antibodies against Synthetic Amphipathic Helical Sequences of Surfactant Protein SP-B Detect a Conformational Change in the Native Protein." FEBS Lett. 282:220-224, 1991.
		Longo, M.L. et al., "A Function of Lung Surfactant Protein SP-B." Science 261: 453-456, 1993.
		Bruni, R. et al., "Surfactant Protein B: Lipid Interactions of Synthetic Peptides Representing the Amino-Terminal Amphipathic Domain." Proc. Natl. Acad. Sci. USA 88:7451-7455, 1991.

DOCSOC1:145367.1

13361-4010 K2MOC-40465.

Previous Examiner: Rita Mitra, Group Art Unit 1653

**DATE CONSIDERED:**

**EXAMINER:** Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  <b>(Use several sheets if necessary)</b>	<b>ATTY. DOCKET NO.</b> 13361.4010	<b>SERIAL NO.</b> Not Yet Assigned
	<b>APPLICANT:</b> Frans J. Walther et al.	
	<b>FILING DATE:</b> Herewith (12/8/2003)	<b>GROUP:</b> Not Yet Assigned

	Gordon, L.M. et al., "Conformation and Molecular Topography of the N-terminal Segment of Surfactant Protein B in Structure-Promoting Environments." <i>Protein Science</i> 5: 1662-1675, 1996.
	Walther, F.J. et al., "Spiking Survanta with Synthetic Surfactant Peptides Improves Oxygenation in Surfactant-deficient Rats." <i>Am. J. Respir. Crit. Care Med.</i> 156: 855-861, 1997.
	Walther, F.J. et al., "Protein Composition of synthetic Surfactant Affects Gas Exchange in Surfactant-Deficient Rats." <i>Pediatric Research</i> 43: 666-673, 1998.
	Mbagwu, N. et al., "Sensitivity of Synthetic Surfactants to Albumin Inhibition in Preterm Rabbits." <i>Mol. Gen. Metabol.</i> 66: 40-48, 1999.
	Gupta, M. et al., "Function and Inhibition Sensitivity in Preterm Rabbits of Surfactant with Various Surfactant Protein B Sequences." submitted for publication 10/5/99.
	Lipp, M.M. et al., "Solving Medical Problems with Chemical Engineering." <i>Chemtech</i> , March, 1997 p. 42-57.
	Lipp, M.M. et al. "Phase and Morphology Changes in Lipid Monolayers Induced by SP-B Protein and its Amino-Terminal Peptide." <i>Science</i> 273: 1196-1199.
	Waring, A.J., et al. "Amphipathic Helical Segments in Lung Surfactant Proteins." in <i>The Amphipathic Helix</i> , ed. R.M. Epand, CRC Press, Boca Raton, 143 -171, 1993.
	Waring, A., et al. "Synthetic Amphipathic Sequences of Surfactant Protein-B Mimic Several Physicochemical and <i>In Vivo</i> Properties of Native Pulmonary Surfactant Proteins." <i>Peptide Research</i> 2: 308-313, 1989.
	Amirkhanian, J.D. et al. "Inhibition of Mixtures of Surfactant Lipids and Synthetic Sequences of Surfactant Proteins SP-B and SP-C." <i>Biochem. Biophys. Acta</i> 1096: 355-360, 1991.
	Lipp, M.M. et al., "Phase and Morphology Changes in Lipid Monolayers Induced by SP-B Protein and Its Amino-Terminal Peptide." <i>Science</i> 273: 1196-1199.
	Yong, H. et al., "Expression of an Engineered Cecropin Gene Cassette in Transgenic Tobacco Plants Confers Disease Resistance to <i>Pseudomonas Syringae PV Tabaci</i> . <i>Agricultural Research Service</i> : 1996-05-22.
	Veldhuizen, J.A., et al., "A Dimeric Version of the SP-B 1-25 Peptide has an Increased Surface Activity <i>In Vitro</i> ." Abstract submitted to American Thoracic Society for presentation, 5/2000.
	Gupta, M. et al., "Dimeric versus Monomeric SP-B 1-25 Peptide and Lung Function in Preterm Rabbits." Abstract submitted to American Thoracic Society for presentation, 5/2000.
	Walther, F.J. et al., "The Effect of synthetic Surfactants with Dimeric and Monomeric SP-B1-25 Peptide on Lung Function in Lavaged Rats." Abstract submitted to American Thoracic Society for presentation, 5/2000.
	Lee, K.Y.C. et al., "A Synchrotron X-ray Study of Lung Surfactant Specific Protein SP-B into Lipid Monolayers at the Air-Fluid Interface." submitted for publication 6/19/1999.
	Gordon, L.M. et al., "Conformational Mapping of the N-terminal Segment of Surfactant Protein B in Lipid Using <sup>13</sup> C-enhanced Fourier Transform Infrared Spectroscopy." submitted for publication 7/23/1999.
	Lipp, M.M. et al., "Coexistence of Buckled and Flat Monolayers." <i>Physical Rev. Letters</i> 81: 1650-1653, 1998.
	Longo, M.L. et al., "Lipid Bilayer surface Association of Lung Surfactant Protein SP-B, Amphipathic Segment Detected by Flow Immunofluorescence." <i>Biophys. J.</i> 63: 760-773.
	daCosta, D.E. et al., "Comparative Trial of Artificial and Natural Surfactants in the Treatment of Respiratory Distress Syndrome of Prematurity: Experiences in a Developing Country." <i>Pediatr. Pulmonol.</i> 27: 312-317, 1999.

DOCSOC1:145367.1 13361-4010 K2MOC-40465. Previous Examiner: Rita Mitra, Group Art Unit 1653	<b>DATE CONSIDERED:</b>
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